



State of California
Respiratory Care Board
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Inquiry: We have a Registered Cardiopulmonary Technologists (RCPT) who has been working as a respiratory therapist in home care. What I would like to know is how the California Legislation has dealt with this issue. It is my belief that RCPT's have traditionally been involved in pulmonary rehab, a job that is very much consistent with the type of services required of an RT who provides home care. Subsequently, I am interested in legislation that will protect the RCPT in this situation (e.g., so they don't need to return to school for RT and such). If you would send me the exact verbage from your act and/or any legal interpretations you have received on this, I would greatly appreciate it.

Response: Regarding the statutes and regulations which defined the grandfather clause of the Respiratory Care Board of California (RCB) and when it was legislatively established, please refer to Business and Professions Code section 3738 (repealed in 1989) which allowed for the grandfathering of applicants for a specific period when licensure was established in the State of California. Also applicable is California Code of Regulations section 1399.380 which provided the qualifications for becoming licensed by way of the grandparent provisions.

As the statute and regulation provide, the grandfather provision was effective for a two-year period from July 1, 1983 through June 30, 1985. During this time, the RCB received nearly 10,000 applications from individuals who worked in some capacity of the respiratory care field, regardless of the setting, for at least 800 hours and were able to obtain and submit documentation of such from a licensed physician. These applications possibly included, but were not limited to, respiratory therapists, cardiopulmonary technologists, cardiovascular technicians, etc., so long as the applicants prior primary responsibilities of practice constituted performing any of the functions specified in subdivisions (a) through (d) of the Business and Professions Code section 3702.

Following expiration of the grandfather clause, all applicants for licensure were required to meet the current statutes and regulations which include two main components, education and examination.